

# ANNEX

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Tuesday, March 7, 2017 Plenary Session

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## EXPLANATION OF VOTES OF HOUSE MEMBERS *as manifested for insertion in the Congressional Record:*

REP. EVELINA G. ESCUDERO

I vote “No.”

After due consultation with my constituents in the First District of Sorsogon, I cast a negative vote on the Bill. Eighty percent (80%) of my constituents are against the death penalty.

It is a resounding NO that I must, not only I ought to follow but to defend and put forward as well—especially since it even coincides with my moral resolve as a Catholic and a Christian who does not believe in the penalty of death.

Human life is so valuable that even the worst of criminals should not be deprived of the value of their lives. The value of a person’s life cannot be destroyed by bad conduct. The right to life of any person is so inviolable that sentencing and executing a person to death undeniably violates such right.

The imposition of the death penalty is a retribution in a sanitized form of vengeance. This is contrary to what the justice system should and must be—reformation and social rehabilitation. No wonder, as of 2015, countries have abolished the death penalty in law and practice.

With this, I respectfully submit a NEGATIVE vote on House Bill No. 4727.

REP. VICTOR A. YAP

## EXPLANATION OF “YES” VOTE TO H.B. NO. 4727

At this time and stage in our country, as we strive and struggle to improve and develop, I pray that the Death Penalty, at its spectrum of wisdom, works equally for the rich and poor.

It is my firm belief that the time will come when we have become a fully able and developed society—the State, the government and its citizenry—that we shall no longer need this ultimate punishment.

Every case where the penalty of death is meted out shall automatically be reviewed by the Supreme Court, the highest court of the land. The imposition of the death penalty is not automatic. It is my hope that as God is present in each one of us, particularly as a guiding light to the members of our justice system, the death penalty will not be imposed unjustly.

More than anything, the reimposition will, in my mind, strengthen our armed personnel. The police, in particular, will adhere to the rule of law. Hence, their alleged “summary” practices should wane and dissipate in no time.

There is no perfect world. Our intention is not to kill. However, I have consulted with my constituents, especially the barangay officials and workers, and they share the same position that I have. The House of the people with the voice of the people is also the voice of God. At this juncture in our history, we need a firm structure, a strong policy that would arm and protect the State from barbaric crimes that lead to the destruction of our society.

Mr. Speaker, I, we, pray to God that this law work as well for our country as it did in other states, current or history.

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REP. WILFREDO S. CAMINERO

THE DUTY OF THE STATE AND THE RIGHT OF THE PEOPLE TO DEFEND ITSELF  
AGAINST GRAVE THREATS TO THEIR LIFE AND EXISTENCE

Mr. Speaker and esteemed colleagues:

On this vital, historic and necessarily controversial Bill partially reviving the death penalty as the maximum option imposable in limited heinous illegal drug crimes, this representation—after a long process of deliberation, reflection, and consultations with his constituents and consideration of their sentiments—now strongly believes in and is fully convinced of the societal necessity of this calibrated response to enable the State and the government to defend itself and protect the people, especially the poor and the youth who are most vulnerable and are hapless victims of the illegal drug menace and scourge ravaging our society with impunity, and corroding and destroying our social and governmental institutions—the family which is our basic social institution, and government institutions, from the lowly and remote barangays to the highest echelons of power in the cities, sparing no one whether rich or poor, ignorant or educated and professionals, layman or religious—all of which compelling reasons leave this Representation with no option but duty-bound to support its passage and to vote “Yes.”

If I may be allowed, with your kind indulgence—given the gravity and significance of the measure under consideration—this Representation wishes to briefly elaborate on his vote and position for the record.

Admittedly, given our spiritual upbringing, coming as we do from a predominantly religious country considered to be the cradle of Christianity in Asia, it is not easy to arrive at a final position on this measure which involves complex societal, legal and moral issues. The guidance of our spiritual leaders is most welcome and enlightening. But the social realities and the grim facts showing the gravity and enormity of the illegal drug menace are very sobering and urgent, demanding stronger action and firmer response which we in Congress as Representatives are duty-bound to perform regardless of our personal faith, for we have a covenant with our constituents to do all we can to represent their sentiments and uphold their welfare.

In sum, after a long and arduous process of deliberations, collegial and personal, of sleepless nights and prayers and reflections agonizing on the moral and human aspects of any death penalty no matter how limited while balancing the primordial interest of the State to protect itself, the very life, well-being and survival of our people especially the poor and the youth, the cry for justice of the many victims of heinous drug-related crimes, and more specifically considering that:

1. Our Constitution does not absolutely prohibit death penalty but allows it in exceptional cases “for compelling reasons involving heinous crimes” (Section 19, paragraph 1, Article III), which is actually and essentially a form of self-defense on the part of the State and society;

2. The alarming and persistent crime statistics, highlighted by the findings of the Dangerous Drugs Board that as early as 2011, reaffirmed in 2016, as high as eighty percent (80%) of all heinous crimes are drug-related, which clearly constitute sufficient compelling societal reason to revive the death penalty for these cases;

3. The “heinous” nature of the drug-related offenses covered, the grave injustice and untold sufferings of the victims, and their serious social impact on our people especially the poor and the youth, and the corrosive and corruptive effect on all social and governmental institutions;

4. The highly limited one set of heinous crimes covered—only four (4) from the originally proposed twenty-one (21) and for serious drug-related offenses which are the root of the most heinous crimes;

5. The discretionary, not mandatory, nature through judicial determination and discretion of its imposition;

6. The mandatory and automatic appellate review of convictions and other due process guarantees for the accused;

7. The expected and salutary judicial review of this measure to determine with finality its constitutionality and compliance with international laws and obligations; and

8. Finally but equally important, after due consultations with and getting the pulse and sentiments of his constituents, our sovereign principals, all of these major considerations compel this Representation to be convinced and duty-bound in the societal necessity of this measure and hence, to vote “Yes” for its passage, as the ultimate weapon of the State to give justice to the many victims, to maintain law and order, to protect our people and society and safeguard their well-being.

May the almighty God help us succeed in this necessary battle against the great evil of illegal drugs.

Thank you, Mr. Speaker, my dear colleagues.

## REP. ELENITA MILAGROS “EILEEN” ERMITA-BUHAIN

Mr. Speaker, distinguished colleagues:

Today, we vote on a crucial measure which will address our government’s war against illegal drugs.

Mr. Speaker, esteemed colleagues, I have listened to the debates, heard the argument of both sides, studied the pertinent documents and have been immensely educated by the discussions.

I believe, Mr. Speaker, respected colleagues, that the reimposition of the death penalty is but apt under the circumstances which currently plague our nation as a whole—its war on illegal drugs and its proliferation.

Offenses committed are at times so heinous and inherently wrong and brutal, especially those involving illegal drugs, that the imposition of capital punishment is just; hence, punishment fit for the crime and applied only to the worst of the worst.

Mr. Speaker, distinguished colleagues, to quote Hyam Barshay:

The death penalty is a warning, just like a lighthouse throwing beams out to sea. We hear about the shipwrecks, but we do not hear about the ships the lighthouse guides safely on their way. We do not have proof of the number of ships its saves, but we do not tear the lighthouse down.

For these reasons Mr. Speaker, I vote “Yes” on the reimposition of capital punishment as embodied in House Bill No. 4727.

## REP. BELMONTE (F.)

Consistent with my affirmative vote in 1993 on RA No. 7659 that imposed the death penalty on heinous crimes, I cast my affirmative vote on House Bill No. 4727.

## REP. PIA S. CAYETANO

The Constitution, under Section 19, Article III allows Congress to reinstate the death penalty. I vote in the affirmative because the drug problem besetting our country has morphed into a social scourge that engulfs whole communities, destroying families and individuals, especially the youth. With drug lords and syndicates now able to influence even high government offices, our nation is in danger of plunging into the clutches of narco-politics, unless we, in Congress, take bold steps to stop it.

I, am, however, expressing my concern about the method of carrying out capital punishment as stated in our Bill. The same Constitutional provision states, “Excessive fines shall not be imposed, nor cruel, degrading or inhuman punishment inflicted.” It is my fervent hope that this matter be addressed, if and when this measure reaches the Bicameral level.